

Exhibit H (Part 1)

1

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

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ARTUR SLESZYNSKI AND KAROLINA
SLESZYNSKI,

Plaintiffs,

Index No.

-against-

12493/12

400 COLUMBUS, LLC. AND HAYDEN BUILDING
MAINTENANCE CORPORATION,

Defendants.

-----x

400 COLUMBUS, LLC,

Third-Party Plaintiff,

-against-

Index No.

ALBERT B. ASHFORTH, INC., AND SEABOARD
WEATHERPROOFING AND RESTORATION AND
RESTORATION, CO., ET AL,

32493/12

Third-Party Defendants.

-----x

8900 Sutphin Boulevard
Jamaica, New York
September 13, 2013
11:35 a.m.

EXAMINATION BEFORE TRIAL of Plaintiff
ARTUR SLESZYNSKI, pursuant to Order, before
SUZANNE MESSEMER, a Notary Public within and for
the State of New York.

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STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED
by and between(among) counsel for the respective
parties hereto, that:

All rights provided by the
C.P.L.R., including the right to object to any
question, except as to form, or to move to
strike any testimony at this(these)
examination(s), are reserved, and, in addition,
the failure to object to any question or to move
to strike any testimony at this (these)
examination(s) shall not be a bar or waiver to
make such motion at, and is reserved for the
trial of this action;

IT IS FURTHER STIPULATED AND AGREED
by and between(among) counsel for the respective
parties hereto, that this(these) examination(s)
may be sworn to by the witness(es) being
examined, before a Notary Public other than the
Notary Public before whom this(these)
examination(s) was(were)

September 13, 2013

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STIPULATIONS

begun; but the failure to do so, or to return the original of this(these) examination(s) to counsel, shall not be deemed a waiver of rights provided by Rules 3116 and 3117 of the C.P.L.R., and shall be controlled thereby;

IT IS FURTHER STIPULATED AND AGREED by and between(among) counsel for the respective parties hereto, that this(these) examination(s) may be utilized for all purposes as provided by the C.P.L.R.;

IT IS FURTHER STIPULATED AND AGREED by and between(among) counsel for the respective parties hereto, that the filing and sealing of the original of this(these) examination(s) shall be and the same hereby are waived;

IT IS FURTHER STIPULATED AND AGREED by and between(among) counsel for the respective parties hereto, that a copy of the

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within examination(s) shall be furnished to
counsel representing the witness(es) testifying,
without charge.

IT IS FURTHER STIPULATED AND AGREED
by and between(among) counsel for the respective
parties hereto, that all rights provided by the
C.P.L.R., and Part 221 of the Uniform Rules for
the Conduct of Depositions, including the right
to object to any question, except as to form, or
to move to strike any testimony at this
examination is reserved; and in addition, the
failure to object to any questions or to move to
strike any testimony at this examination shall
not be a bar or waiver to make such motion at,
and is reserved to, the trial of this action.

* * *

1 Artur Sleszynski 6

2 A R T U R S L E S Z Y N S K I, called as a
3 witness, having been first duly sworn by a
4 Notary Public within and for the State of
5 New York, was examined and testified as
6 follows:

7
8 EXAMINATION BY
9 MR. BONIFATI:

10 Q. Would you please state your full
11 name for the record?

12 A. Artur Sleszynski.

13 Q. What is your current address?

14 A. I live at 28 Homestead Road,
15 Holden, Massachusetts, 01520.

16 Q. Mr. Sleszynski, my name is William
17 Bonifati. I am an attorney with the Law Office
18 of Stewart Friedman. This morning, into this
19 afternoon, I will be asking you a number of
20 questions concerning an accident you were
21 involved in. If you do not understand the
22 question, please tell me, I will be more than
23 happy to rephrase it. Is that understood?

24 A. Yes.

25 Q. If you don't hear the question, I

1 Artur Sleszynski 7

2 will be more than happy to repeat it, or we can
3 have the reporter repeat it for me. Is that
4 understood?

5 A Yes.

6 Q Have you taken any medication or
7 failed to take any medication this morning which
8 would prohibit you from testifying in a clear
9 manner?

10 A No.

11 Q How long have you resided at 28
12 Homestead Road?

13 A 28 Homestead Road, three months.

14 Q Is that an apartment, a house,
15 something else?

16 A House.

17 Q Owned by whom?

18 A Me.

19 Q You've owned it for three months?

20 A Yes.

21 Q Who else owns it with you, if
22 anyone?

23 A My wife and two kids.

24 Q Does she own it with you or are you
25 the sole owner?

1 Artur Sleszynski 8

2 A I am the sole owner.

3 Q What is your wife's name?

4 A Karolina.

5 Q Same last name?

6 A Yes.

7 Q How old is she?

8 A She is twenty-five -- six.

9 Q How old are your two children?

10 A My son is three and-a-half and my

11 daughter is one.

12 Q What is your daughter's name?

13 A Anya, A-N-Y-A.

14 Q And your son's name?

15 A Alexander.

16 Q Prior to residing at 28 Homestead

17 Road, where did you reside?

18 A 2 Stockton Street, S-T-O-C-K-T-O-N,

19 Street, Worcester, Massachusetts.

20 Q Is that a private home?

21 A Yes.

22 Q Did you own that?

23 A No.

24 Q Who owned that?

25 A It was rented. The owner is -- I

1 Artur Sleszynski 9

2 don't know his name, actually. I am --

3 Q With your attorney's permission, we
4 will leave a blank in the transcript, and when
5 you review your transcript, if you have any
6 records that would refresh your recollection,
7 you can add his name. Okay?

8 A Oh, Gregory Cuibula, C-U-I-B-U-L-A.

9 Q How long did you rent there for?

10 A One year.

11 Q Prior to living there, you resided
12 in Ridgewood, in Queens?

13 A No, it's Middle Village.

14 Q Middle Village, I'm sorry.

15 What was the address in Middle
16 Village?

17 A 6626 79th Street, Middle Village,
18 11379.

19 Q The incident that is the subject of
20 this lawsuit, when did that occur?

21 A September 10th.

22 Q What year?

23 A 2011.

24 Q You were living at the Middle
25 Village address that you just gave?

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1 Artur Sleszynski 11

2 your basis for that is.

3 MR. BOWMAN: Privileged.

4 MR. BONIFATI: Not if he brings a
5 lawsuit.

6 MR. BOWMAN: We will read the
7 Social Security Act of 1974.

8 MR. BONIFATI: Do you have a copy?

9 MR. BOWMAN: But go ahead. Last
10 four.

11 Q What's the last four of your
12 social?

13 A 6612.

14 MR. LOCHNER: Have you only had one
15 social security number assigned to you?

16 THE WITNESS: Yes.

17 MR. LOCHNER: Thank you.

18 Q Have you been known by any other
19 name?

20 A No.

21 Q Have you been convicted of a crime?

22 A Can you clarify? Crime as --

23 Q Breaking the law; arrested, but
24 convicted?

25 A No, no.

1 Artur Sleszynski 12

2 Q How long have you resided in this
3 country for?

4 A Since 2001, that is twelve years.

5 Q Where are you from?

6 A Poland.

7 Q What is your status here in this
8 country?

9 A I am a resident.

10 Q Have you initiated the process to
11 become a citizen, perhaps?

12 A No, not yet.

13 Q Do you intend to?

14 A Yes.

15 Q Is your wife a citizen?

16 A Yes.

17 Q Is she from Poland?

18 A Yes.

19 Q Both of your children were born in
20 this country?

21 A Yes.

22 Q I probably asked you this already,
23 but when the accident occurred, you were living
24 at the 6626 79th Street address?

25 A Yes.

1 Artur Sleszynski 13

2 Q Where did you live before that?

3 A In Maspeth, it was 6140 56th Drive.

4 Q It was a rental?

5 A Yes.

6 Q Are you presently on any
7 medications?

8 A No.

9 Q What is your level of education,
10 you were schooled in Poland?

11 A Yes.

12 Q What is the extent of your
13 education in Poland?

14 A First class of high school, and
15 that is it.

16 Q One year of high school?

17 A Yes.

18 Q Do you have any other training,
19 education, after that one year of high school in
20 Poland?

21 A No.

22 Q How about in the United States?

23 A Yes, high school, in the United
24 States.

25 Q You went to high school here?

1	Artur Sleszynski	14
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3	Q	Did you graduate?
---	---	-------------------

5 Q From what high school?

8	Q	Where is that located?
---	---	------------------------

10	Q	What year did you graduate?
----	---	-----------------------------

12	Q	Any college?
----	---	--------------

14	Q	Where?
----	---	--------

18 | A No.

20 | A No.

22	A	No.
----	---	-----

24 A OSHA certification, that is it.

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1 Artur Sleszynski 15

2 A OSHA.

3 Q When was that?

4 A What year?

5 Q Yes.

6 A I can't remember.

7 Q Approximately?

8 A 2008.

9 Q Was that related to a job that you

10 had?

11 A Yes.

12 Q What job?

13 A What job, can't remember as well.

14 Q Let me ask you this question, after

15 you left Baruch College, were you employed, at

16 all?

17 A Yes.

18 Q Where?

19 A Pinnacle Construction.

20 Q Pinnacle?

21 A Yes. It used to be called

22 differently back then.

23 Q What was it called?

24 A LA Construction.

25 Q LA?

1 Artur Sleszynski 16

2 A AL Construction, A-L, Construction.

3 Q AL Construction?

4 A Yes.

5 Q The same owner owned AL
6 Construction and Pinnacle?

7 A Yes.

8 MR. BOWMAN: Just let him ask his
9 question first, and then answer.

10 THE WITNESS: Okay.

11 Q Who was that individual?

12 A Name?

13 Q Yes.

14 A Andrezej Lenczewski, A-N-D-R-Z-E-J,
15 Lenczewski, L-E-N-C-Z-E-W-S-K-I.

16 Q Now, what year did you begin
17 working at AL Construction?

18 A 2006.

19 Q At sometime it became known as
20 Pinnacle Construction?

21 A Yes.

22 Q Do you know what year that was?

23 A I can't specify, I can't remember
24 exactly.

25 Q But it was the same owner?

1 Artur Sleszynski 17

2 A Yes.

3 Q How did you come about to getting
4 the job at AL Construction?

5 A My cousin used to work there; he
6 used to be a foreman.

7 Q What is the nature of the business
8 of AL Construction, Pinnacle Construction? What
9 did they do?

10 A Roofing.

11 Q Roofing. Prior to starting at AL
12 Construction, did you have any prior work
13 experience as a roofer?

14 A No.

15 Q The owner of AL and Pinnacle
16 Construction, do you know where he lives
17 presently?

18 A Poland.

19 Q He is in Poland?

20 A Yes.

21 Q When did he go back to Poland?

22 A When, he always lived in Poland.

23 Q He always lived in Poland?

24 A Yes.

25 Q What was the business address for

1 Artur Sleszynski 18

2 Pinnacle Construction?

3 A It was in Ridgewood, I don't
4 remember building number, Putnam Avenue.

5 Q Had you ever been to that location?

6 A Yes.

7 Q What was it?

8 A Apartment building.

9 Q Apartment building?

10 A Yes.

11 Q Pinnacle worked out of one of the
12 apartment buildings, conducted business out of
13 one of the apartments in the building?

14 A Can you clarify question? Business
15 as?

16 Q I asked you for the address for
17 Pinnacle. You indicated that it was an
18 apartment building?

19 A Yes.

20 Q Pinnacle owned the whole apartment
21 building or they leased space in that apartment
22 building?

23 A They leased space.

24 Q What did they lease, an apartment?

25 A Apartment.

1 Artur Sleszynski 19

2 Q Did someone live in that apartment?

3 A Yes.

4 Q Who lived in that apartment?

5 A Company's manager.

6 Q That was a man?

7 A A man.

8 Q What was his name?

9 A Zbignniew, Z-B-I-G-N-N-I-E-W,

10 Kretowcz, K-R-E-T-O-W-C-Z.

11 Q Does he still reside there?

12 A I don't know.

13 Q What was the apartment number; do

14 you remember?

15 A No.

16 Q Do you remember what floor it was

17 on?

18 A Second floor.

19 (Off-the-record discussion.)

20 Q Were there other apartments on the

21 second floor, or just this particular one where

22 they conducted business?

23 A Another one.

24 Q There was another one?

25 A Yes.

25 A Putnam first, then Steven.

1 Artur Sleszynski 21

2 Q When was the last time you were at
3 the Steven Street address?

4 A Steven, end of 2010.

5 Q Had you ever resided in any of
6 those two apartments?

7 A No.

8 Q When did you get married?

9 A 2009.

10 Q What was the date?

11 A July 24th -- 23rd.

12 Q Are you sure?

13 A Yes.

14 Q Um, since you've been here in the
15 United States, how many times have you been back
16 to Poland?

17 A None.

18 Q None?

19 A None.

20 Q Do you know if Pinnacle
21 Construction is still in business?

22 A Can I describe it?

23 Q Sure?

24 A Pinnacle, probably not. They might
25 have changed name already to another name, same

1 Artur Sleszynski 22

2 with address.

3 Q Same addresses, same owner?

4 A I guess, I don't know.

5 MR. BOWMAN: Only answer if you
6 know the answer.

7 Q Why do you say they may have
8 changed names?

9 A What made them change the name?

10 Q Why do you say that, they may have
11 changed names?

12 A They always change name.

13 Q They always change name?

14 A Yes.

15 Q Do you know for what reason?

16 A Taxes.

17 Q How often do they change names --
18 in your experiences as an employee of Pinnacle,
19 how often do they change names?

20 A Twice.

21 Q They have changed names twice?

22 A Yes.

23 Q AL to Pinnacle?

24 A Yes.

25 Q And now, Pinnacle to something

1 Artur Sleszynski 23

2 else?

3 A Yes.

4 Q And you don't know what that
5 something else is?

6 A No.

7 Q Have you had any contact with
8 anyone who you worked with at AL or Pinnacle,
9 since you moved to Massachusetts?

10 A Yes.

11 Q Who have you had contact with?

12 A Gregory Ostopowicz,
13 O-S-T-O-P-O-W-I-C-Z.

14 Q When did you last speak to him?

15 A A week ago.

16 Q Is he still working for the former
17 company named Pinnacle?

18 A No.

19 Q Did he give you any information
20 concerning the new name of Pinnacle?

21 A No.

22 Q When was the last time he worked
23 for Pinnacle, do you know?

24 A 2011.

25 Q 2011?

1 Artur Sleszynski 24

2 A Yes.

3 Q What month, do you know?

4 A April, I'm not certain.

5 Q When you moved to Massachusetts,
6 was Pinnacle still a viable company, still in
7 operation?

8 A Yes.

9 Q That would have been last year
10 around the same time?

11 A Yes.

12 Q When you began your employment at
13 AL Construction, what were your job
14 responsibilities and duties?

15 A Cleanup and removal of roof,
16 helping out, bringing rolls, bringing materials,
17 a helper.

18 Q A helper?

19 A Helper.

20 Q Did you receive on-the-job training
21 as far as the process of installing roofs?

22 A No.

23 Q Did there come a time when you
24 actively engaged in installing roofing?

25 A Yes.

1 Artur Sleszynski 25

2 Q After how long a period of time
3 that you were helping, did you begin roofing
4 installation, approximately?

5 A Two months, three months.

6 Q Okay. Were you working five days a
7 week back then, when you first started?

8 A No.

9 Q How many days a week were you
10 working?

11 A Six, seven.

12 Q Full days, eight-hour days?

13 A No, longer.

14 Q Longer?

15 A Yes.

16 Q Did there come a time when your job
17 position elevated to you being a foreman?

18 A Yes.

19 Q When was that?

20 A 2009.

21 Q That was for Pinnacle Construction?

22 A Yes.

23 Q The name had already changed from
24 AL to Pinnacle?

25 A No.

1 Artur Sleszynski 26

2 Q It was still AL?

3 A It was still AL.

4 Q Sometime after 2009, the name
5 changed to Pinnacle; is that correct?

6 A Yes.

7 Q Was is it 2010; do you remember?

8 A 2010. 2010.

9 Q You were a foreman, then?

10 A I was a foreman in 2010.

11 Q So, when the name changed to
12 Pinnacle, you were a foreman for Pinnacle?

13 A Yes.

14 Q As a foreman, what were your job
15 responsibilities, duties?

16 A Make sure I bring guys to the job
17 site and the work is done.

18 Q When you say make sure you "bring
19 guys to the job site," where would you get them
20 from?

21 A Greenpoint.

22 Q Were they day laborers?

23 A Laborers.

24 Q Of Polish descent?

25 A Polish and Spanish.

1 Artur Sleszynski 27

2 Q You would supervise their
3 activities?

4 A Yes.

5 Q Would you engage in any roofing
6 activities yourself, installations, et cetera?

7 A Yes.

8 Q But not as much as you did before
9 you became a foreman?

10 A No.

11 Q Did you have someone who you would
12 answer to at the job site?

13 A Yes.

14 Q Who would that have been?

15 A Can you specify?

16 Q Sure. Did you have a supervisor or
17 foreman?

18 A A foreman.

19 Q What was his name?

20 A Of this job or?

21 Q 2009-2010, before the accident?

22 A Before the accident, they kept
23 switching. Depends on the job site, but Ken
24 Buckley, some of the time.

25 Q What is his name?

1 Artur Sleszynski 28

2 A Ken, K-E-N, Buckley, B-U-C-K-L-E-Y.

3 Q Let us go to the job site where
4 this accident occurred on September 10th, 2011.
5 Who was your foreman, who was the supervisor at
6 the job site?

7 A On that day?

8 Q On the day the accident happened?

9 A No one.

10 Q No one?

11 A No one.

12 Q Was that common where you wouldn't
13 have a supervisor on-site?

14 A Yes.

15 Q Any given week, how often would
16 your supervisor show up at that site?

17 A Three or four days a week.

18 Q For an extended period of time or a
19 limited period of time?

20 A During the day?

21 Q During the day.

22 A Extended period of time.

23 Q Extended, meaning how many hours?

24 A Eight to nine, ten.

25 Q Was Mr. Buckley your supervisor for

1 Artur Sleszynski 29

2 this particular job?

3 A Yes.

4 Q Now, the accident happened
5 September 10th, 2011?

6 A Yes.

7 Q What time of day or evening?

8 A It was around 1:00.

9 Q The accident involved your having
10 fallen?

11 A Yes.

12 Q On the roof?

13 A Yes.

14 Q Did you hurt a particular part of
15 your body, as a result of that incident?

16 A Yes.

17 Q What part of your body?

18 A Right knee.

19 Q Had you ever injured your right
20 knee before?

21 A Yes.

22 Q When was that?

23 A It was in 2009.

24 Q Was that as a result of a
25 work-related accident?

1 Artur Sleszynski 30

2 A No.

3 Q What happened?

4 A I tripped.

5 Q Where?

6 A On the sidewalk.

7 Q What caused you to trip?

8 A It was slippery, it was wintertime,
9 and the sidewalk was not even.

10 Q Tell me what happened to your right
11 knee, as a result of that incident?

12 A I couldn't walk for awhile, but I
13 went to a doctor and everything was fine.

14 Q When you say you couldn't walk for
15 "awhile," how long is "awhile"?

16 A Three days.

17 Q You missed three days of work as a
18 result of that incident?

19 A I can't remember exactly how many
20 days.

21 Q Did you go to a hospital, at all,
22 after the accident occurred?

23 A No.

24 Q You indicated that you did go to a
25 doctor?

1 Artur Sleszynski 31

2 A Yes.

3 Q Do you remember the name of the
4 doctor?

5 A No, I went to a clinic in
6 Greenpoint.

7 Q What was the name of the clinic?

8 A I believe it was Manhattan Clinic.

9 Q Do you know the street?

10 A Manhattan Avenue.

11 Q What did they do for you there?

12 A X-ray.

13 Q Did they give you any device to
14 immobilize your knee or your leg?

15 A No.

16 Q Do you recall the name of the
17 doctor that you saw at the Manhattan Clinic?

18 A Dr. O' Connor, I believe.

19 MR. LOCHNER: Was it a man or
20 woman?

21 THE WITNESS: A man.

22 Q Did that incident result in a
23 lawsuit of any kind?

24 A No.

25 Q Was that the only treatment that

1 Artur Sleszynski 32

2 you received as a result of that incident?

3 A Yes.

4 Q That one visit to the Manhattan
5 Clinic?

6 A One more visit, a follow-up.

7 Q How long after the incident
8 occurred was that follow-up visit?

9 A I believe one week.

10 Q Between the time that you last went
11 to the Manhattan Clinic, your second visit to
12 Manhattan Clinic, up until the time of this
13 present accident, which is the subject of this
14 lawsuit, had you experienced any pain in your
15 right knee?

16 A No.

17 Q None whatsoever?

18 A No.

19 Q Any difficulties walking as a
20 result of that slip and fall?

21 A No.

22 Q As a result of your having hurt
23 your right knee on the date in question,
24 September 10th, 2011, did you receive medical
25 attention after the incident?

1 Artur Sleszynski 33

2 A What timeframe?

3 Q Did you go to the doctor the day it
4 occurred, or emergency room or hospital?

5 A No.

6 Q After the incident, what did you
7 do?

8 A Go home.

9 Q Right away?

10 A No.

11 Q Did you continue working?

12 A No.

13 Q What did you do?

14 A I went to the van. I stepped off
15 the roof, and went to the van.

16 Q You came down from the roof, and
17 you went to your van?

18 A Yes, company's van.

19 Q Company's van?

20 A Yes.

21 Q What did you do in the van?

22 A I sat, I waited.

23 Q For how long?

24 A Until the end of the day, I don't
25 remember how many hours.

1 Artur Sleszynski 34

2 Q You just sat in the van?

3 A Yes.

4 Q And did nothing else?

5 A Nothing else.

6 Q Who was supervising the workers?

7 A No one.

8 Q Did you call anyone, did you call
9 Ken to tell him you were hurt?

10 A I can't remember.

11 Q Did you have his phone number with
12 you?

13 A Yes.

14 Q Did he have a cellphone?

15 A Ken?

16 Q Ken.

17 A Yes.

18 Q Did you have a cellphone?

19 A Yes.

20 Q Do you recall what time you left
21 the premises that day?

22 A No.

23 Q At anytime after leaving the roof
24 and going to the van, did you ever go back up to
25 the roof?

1 Artur Sleszynski 35

2 A No.

3 Q Did you ever tell anyone from
4 Pinnacle that you hurt your knee?

5 A Yes.

6 Q Who did you tell?

7 A Zbigniew, Kretowicz,
8 Z-B-I-G-N-I-E-W, K-R-E-T-O-W-I-C-Z.

9 Q He's the same individual that you
10 mentioned before who resided in one of the
11 Pinnacle locations?

12 A Yes.

13 Q When did you call him?

14 A The same day.

15 Q What time?

16 A I can't recall what time.

17 Q Was it during the period that you
18 were sitting in the van?

19 A Yes.

20 Q It was during that period?

21 A Yes.

22 Q What did you say to him?

23 A That I had an accident.

24 Q Did you tell him what happened?

25 A Yes.

1 Artur Sleszynski 36

2 Q What did you say to him?

3 A That I fell on the roof and
4 something happened to my knee.

5 Q What did he say to you, if you
6 remember?

7 A I don't remember.

8 Q Do you have a recollection of
9 leaving the job site that day?

10 A Yes.

11 Q You left in the van?

12 A Yes.

13 Q What did you do?

14 A I drove the van.

15 Q To where?

16 A To Greenpoint.

17 Q Do you recall what location?

18 A It was on Norman Avenue, I don't
19 remember the crossing road's name, I don't want
20 to mistake the name of the road.

21 Q What is on Norman Avenue?

22 A A meeting point for the crew.

23 Q Did you meet anyone there on Norman
24 Avenue?

25 A No.

1 Artur Sleszynski 37

2 Q What did you do?

3 A I dropped off the guys on Norman
4 Avenue.

5 Q You were taking the guys from the
6 location of the accident and you took them to
7 Norman Avenue?

8 A Yes.

9 Q You dropped them off?

10 A Yes.

11 Q You drove?

12 A Yes.

13 Q Where did you go after that?

14 A Home.

15 Q Home, being what address?

16 A 6626 79th Street, Middle Village.

17 Q Was your wife home at the time?

18 A Yes.

19 Q You only had one child then?

20 A Yes.

21 Q Do you recall what time you got
22 home?

23 A No.

24 Q What did you do when you got home,
25 what did you do, do you remember?

1 Artur Sleszynski 38

2 A Exactly, I don't remember exactly.

3 Q No, whatever you recall?

4 A I spoke to my wife, and afterwards,
5 I was tired, I fell asleep.

6 Q What did you say to your wife when
7 you say you spoke to her, did you tell her you
8 got hurt on the job?

9 A When I went home, I described
10 everything that happened on the job site with
11 the accident.

12 Q You told her that you hurt your
13 right knee?

14 A Yes.

15 Q Did you have dinner, anything to
16 eat?

17 A I can't recall.

18 Q So, you went to bed?

19 A Yes.

20 Q Did you take any medication:
21 Tylenol, Motrin, or anything?

22 A I might have, I don't remember.

23 Q Were you experiencing pain in your
24 right knee at this point in time?

25 A Can you clarify the question?

1 Artur Sleszynski 39

2 Q Were you experiencing pain to your
3 right knee at this time?

4 MR. LOCHNER: You mean when he got
5 home that night?

6 Q When you got home that night?

7 A Yes.

8 Q When did you first begin
9 experiencing pain in your right knee?

10 A After I fell on the roof.

11 Q After you fell. Was the pain
12 getting worse, better, or something else?

13 A It was steady.

14 Q Steady?

15 A Yes.

16 Q No better, no worse?

17 A Not that day.

18 Q What happened the next day? You
19 woke up?

20 A It was worse.

21 Q Did you notice any swelling to your
22 knee?

23 A Yes.

24 Q Do you recall the day of the week
25 the accident happened?

1 Artur Sleszynski 40

2 A Tuesday -- no, no. It wasn't
3 Tuesday. I don't recall, I don't recall.

4 Q Was the next day a weekday or
5 weekend?

6 A I don't recall exactly.

7 Q Were you scheduled to work the next
8 day?

9 A I don't remember that.

10 Q What did you do the next day?

11 A I stayed home.

12 Q What did you do?

13 A Lay in my bed.

14 Q The whole day?

15 A Yes.

16 Q Did you take any medication to help
17 alleviate or control the pain you were
18 experiencing?

19 A I might have, I don't remember.

20 Q You have no specific recollection?

21 A No.

22 Q How about the day after that?

23 A I was still in pain. All I did
24 was, like, put cold compress on my knee.

25 Q When was the first time you sought

1 Artur Sleszynski 41

2 medical attention for your knee?

3 A A couple of days afterwards.

4 Q Where did you go?

5 A I went to Semla-Pulaski office, in
6 Greenpoint.

7 MR. LOCHNER: S-E-M-L-A, hyphen
8 P-U-L-A-S-K-I. I think her first name is
9 Halina, H-A-L-I-N-A.

10 (Off-the-record discussion.)

11 Q Where is that doctor, is that a
12 doctor?

13 A Yes.

14 Q It's a female?

15 A Female.

16 Q Where is her office located?

17 A Nassau, N-A-S-S-A-U, Avenue,
18 Greenpoint.

19 Q Had you ever been there before?

20 A Yes.

21 Q For what purposes?

22 A My skin.

23 Q What is wrong with your skin?

24 A I have allergies of some sort.

25 Q How did you get to her office?

1 Artur Sleszynski 42

2 A Just newspaper.

3 Q Newspaper. Well, you'd been there
4 previously, right?

5 A Yes.

6 Q For your skin?

7 A Yes.

8 Q When I say how did you get there,
9 did you drive?

10 A Oh, sorry. My wife drove.

11 Q Your wife drove?

12 A Yes.

13 Q What complaints did you make to
14 her?

15 A I said I couldn't walk. I was
16 limping. I couldn't stand on the knee.

17 Q What did she do for you?

18 A She did X-ray of the knee.

19 Q Did she do anything else?

20 A No.

21 Q Any recommendations?

22 A She recommended to go to hospital.

23 Q Is that what you did?

24 A Yes.

25 Q Did you go that day?

1 Artur Sleszynski 43

2 A Yes.

3 Q What hospital?

4 A Long Island Jewish Center, North

5 Shore.

6 Q That was over in New Hyde Park?

7 A I don't recognize the town name.

8 Q How did you get there?

9 A My wife drove.

10 Q Had you ever been there before,

11 LIJ?

12 A Yes.

13 Q For what reasons?

14 A Before the accident? Before the

15 accident, no.

16 Q That's what I meant, before the

17 accident.

18 A Oh.

19 Q First time there?

20 A Yes.

21 Q You went to the emergency room?

22 A Yes.

23 Q What were your complaints?

24 A I couldn't walk. My knee hurt. It

25 happened at work.

1 Artur Sleszynski 44

2 Q What did they do for you?

3 A They did an X-ray, as well. Then
4 they put a brace over my leg and gave me
5 crutches, and they recommended to visit a
6 specialist in the hospital.

7 Q Did you discuss with them the
8 interpretation of the X-rays?

9 A Yes.

10 Q What did they say?

11 A They said they didn't see anything
12 in the X-rays.

13 Q Did they give you the name of the
14 specialist?

15 A Yes.

16 Q Do you remember the name of the
17 person that they gave you?

18 A No.

19 Q Did you see that person?

20 A Yes.

21 Q Where is that person's office,
22 where did you see that person?

23 A That was in the same hospital, a
24 clinic in it.

25 Q A clinic?

1 Artur Sleszynski 45

2 A I believe it was a clinic.

3 Q When did you see that specialist?

4 A When?

5 Q Yes.

6 A A couple of days afterwards.

7 Q Do you have any records at home
8 which would indicate the name of that doctor
9 that you saw at the clinic?

10 A I might, I might. I'm not sure.

11 Q With your attorney's permission, if
12 we leave a blank and a space in the transcript,
13 if you search your records, perhaps you can
14 include the name of that doctor?

15 A Okay. _____

16 Q What did that doctor say to you?

17 A That doctor said that the knee is
18 fine. It's just because of the accident, when I
19 hit my leg. I didn't break anything. It's
20 nothing serious, and he said everything will be
21 fine after awhile.

22 Q Do you know what type of specialist
23 that was?

24 A Ortho-physician.

25 Q Orthopedist?

1 Artur Sleszynski 46

2 A Orthopedist.

3 Q So what did you do after that visit
4 with that doctor?

5 A The same day, another doctor came
6 into the office. I complained that I had pain,
7 it had to be something serious, because I cannot
8 walk. And another doctor came into the office
9 and he examined me, touched, made my knee go
10 straight, turned it, twisted it, and he said
11 that it might be a ligament torn, and he told me
12 I need to take an MRI test.

13 MR. LOCHNER: That was the same day
14 you saw the first doctor at the clinic?

15 THE WITNESS: Yes.

16 Q Did they send you for an MRI?

17 A They told me to make an
18 appointment.

19 Q Did you make an appointment?

20 A No.

21 Q Why not?

22 A I went -- why not, I don't
23 remember.

24 Q Where did you go? That day, where
25 did you go? You went home?

1 Artur Sleszynski 47

2 A I went home.

3 Q When was the next time that you
4 sought some sort of medical attention?

5 A I don't recall exactly.

6 Q Approximately, a week, two weeks?

7 A A week.

8 Q Where did you go?

9 A Can I clarify?

10 Q Sure.

11 A Before I went to a doctor, I went
12 to a lawyer and lawyer recommended the doctor.

13 Q What lawyer did you go to?

14 A Polsky and Shouldicen.

15 Q Spell that.

16 MR. LOCHNER: P-O-L-S-K-Y,
17 S-H-O-U-L-D-I-C-E-N, Rosen, R-O-S-E-N.

18 MR. BONIFATI: What was the
19 Shouldicen?

20 MR. LOCHNER: S-H-O-U-L-D-I-C-E-N,
21 I think they are Worker's Comp people.

22 MR. BOWMAN: They are.

23 Q Are they Worker's Comp lawyers?

24 A Yes.

25 Q When was the first time you went to

1 Artur Sleszynski 48

2 see them?

3 A When was the first time, I don't
4 recall.

5 Q Who did they refer you to?

6 A Dr. Eric Price.

7 Q Eric Price?

8 A Yes.

9 Q Who was he affiliated with?

10 A Can you clarify the question?

11 Q Where was he located?

12 A Where is he located, Rockville
13 Center is the town, is the name of the town. I
14 don't remember the exact address.

15 MR. LOCHNER: Is he with Orlin and
16 Cohen?

17 THE WITNESS: Yes.

18 MR. LOCHNER: O-R-L-I-N and
19 C-O-H-E-N.

20 Q How did you get there, your wife?

21 A Yes.

22 Q Now, up to this point in time, how
23 much time has elapsed since the accident,
24 approximately?

25 A One week, approximately a little

1 Artur Sleszynski 49

2 over a week.

3 Q Do you recall your first visit with
4 Dr. Price?

5 A Yes.

6 Q What did he do for you?

7 A He examined me by touching me and
8 recommended MRI. He also thought it was my ACL
9 ligament being torn.

10 Q Did you go for the MRI?

11 A Yes.

12 Q At that facility?

13 A It was next door facility.

14 Q That same day?

15 A No.

16 Q When?

17 A I don't remember the day.

18 Q A couple of days later?

19 A Yes.

20 Q So, you had the MRI?

21 A Yes.

22 Q Of your right knee?

23 A Yes.

24 Q Who did you visit with after the
25 MRI?

1 Artur Sleszynski 50

2 A Dr. Price.

3 Q Did he tell you what was wrong with
4 the knee, as a result of his interpretation of
5 the MRI?

6 A Yes.

7 Q What did he say?

8 A He said I tore my ACL ligament.

9 Q Did he tell you what the process
10 would be to repair your ACL ligament?

11 A Yes.

12 Q What did he say?

13 A He said I should go for a surgery,
14 for the ligament reconstruction.

15 Q And you had the surgery?

16 A Yes.

17 Q When was the surgery performed?

18 A In October, October 18th, 2011.

19 Q Where was it performed?

20 A South Shore Surgery Center.

21 Q Who performed it, Dr. Price?

22 A Dr. Price.

23 Q Now, up to this point in time, you
24 had not been back to work?

25 A No.

1 Artur Sleszynski 51

2 Q Was the surgery you performed --
3 the surgery that was performed on you, was that
4 a same-day surgery, in and out?

5 A Yes.

6 Q Now, up to that point in time
7 before the surgery, were you still wearing the
8 brace on your right knee that was given to you
9 at LIJ?

10 A Not all the time.

11 Q Not all the time?

12 A No.

13 Q Were you utilizing the crutches?

14 A Yes.

15 Q All the time?

16 A Crutches, all the time.

17 Q After the surgery, did they put
18 your knee in a brace of some sort?

19 A Yes.

20 Q What kind of brace?

21 A I don't know what is the name of
22 the brace. It's like a long, from my ankle, all
23 the way to the waist, and it bends at the knee.

24 Q You were utilizing crutches, also?

25 A Yes, yes.

1 Artur Sleszynski 52

2 Q Did you see Dr. Price after the
3 surgery at anytime?

4 A Yes.

5 Q How many times?

6 A I went for a follow-up visit, like
7 two or three days later.

8 Q What did Dr. Price say?

9 A That I need physical therapy.

10 Q Did you have physical therapy?

11 A Yes.

12 Q Where did you have it?

13 A Promet Physical Therapy in
14 Ridgewood, P-R-O-M-E-T.

15 Q Have you ever been there before?

16 A No.

17 Q Did he recommend it?

18 A Yes.

19 Q Now, how long did physical therapy
20 last?

21 A Around six or seven months.

22 Q How often did you go to physical
23 therapy?

24 A Three days a week.

25 Q For that six or seven-month period?

1 Artur Sleszynski 53

2 A Yes.

3 Q During this period of time, were
4 you receiving Worker's Compensation?

5 A Yes.

6 Q When the injury occurred, what was
7 your compensation from -- what was your salary
8 from Pinnacle?

9 A Salary?

10 Q How much did you make?

11 A 500 a week.

12 Q Was that check, cash, something
13 else?

14 A That was check.

15 Q You received \$500 a week, no matter
16 how much time you worked?

17 A Yes.

18 Q How much were you getting from
19 Worker's Compensation?

20 A 666, every two weeks.

21 Q When they performed the surgery,
22 did you receive general anesthesia or just a
23 local, did they knock you out completely?

24 A Yes.

25 Q The physical therapy, did it help

1 Artur Sleszynski 54

2 your condition?

3 A Yes.

4 Q After the surgery, were you taking
5 any medication?

6 A Yes.

7 Q What were you taking?

8 A Pain medication, Motrin.

9 Q Just Motrin?

10 A Just Motrin.

11 Q Any prescription medication?

12 A I can't recall.

13 Q How often would you take the
14 Motrin?

15 A Only when pain was there, severe
16 pain.

17 Q How often was that?

18 A Once a day for a week.

19 MR. LOCHNER: This is immediately
20 following the surgery?

21 THE WITNESS: Yes.

22 Q What was the nature of the physical
23 therapy, what did they do?

24 A They helped me to strengthen my
25 leg, rebuild all the muscles in it.

1 Artur Sleszynski 55

2 Q What was the procedure for that?

3 A First, when I couldn't walk, they
4 did like massage on my legs, put cold compress
5 on the leg, on the knee, and also heat compress
6 on the knee. And during the first two weeks,
7 they would only like massage and basic workouts,
8 like trying to make it straight, moving it.
9 Afterwards, they started to make me ride a
10 bicycle. Everyday, when I went to physical
11 therapy, we first worked out, then we did some
12 exercises. After awhile, I did the bike,
13 treadmill, and some weightlifting for the legs.

14 Q Did you feel that your knee
15 gradually got better?

16 A Yes.

17 Q Were you experiencing less pain?

18 A Yes.

19 Q During the course of the six or
20 seven months?

21 A Yes.

22 Q Were you taking less Motrin during
23 the course of the six or seven months?

24 A Yes.

25 Q Now, you discontinued -- physical

1 Artur Sleszynski 56

2 therapy was discontinued six or seven months
3 later?

4 A Yes.

5 Q Why?

6 A Because they stopped paying for it,
7 I believe.

8 Q Who is this, Worker's Compensation?

9 A Yes.

10 Q Did you ever settle your Worker's
11 Compensation case?

12 A Yes.

13 Q How much did you get?

14 A 18,000, approximately.

15 Q When was that?

16 A I can't remember the date.

17 Q Was it this year, 2013, or 2012?

18 A 2012.

19 Q Upon completion of your physical
20 therapy, did you go back to work?

21 A Yes.

22 Q For Pinnacle?

23 A No.

24 Q For who?

25 A Centimark Roofing.

1 Artur Sleszynski 57

2 Q Say that again.

3 A Centimark, C-E-N-T-I-M-A-R-K.

4 Q Roofing?

5 A Yes.

6 Q Where are they located?

7 A 101 Brick Kiln Road.

8 Q Brick Hill?

9 A Brick Kiln, K-I-L-N, Road. That is
10 where Billerica.

11 Q When did you begin your position at
12 Centimark?

13 A When?

14 Q Yes.

15 A May 29th.

16 Q Of 2012?

17 A 2012.

18 Q What position did you assume at
19 Centimark Roofing?

20 A Roofing mechanic.

21 Q Roofing mechanic?

22 A Yes.

23 Q Not a foreman?

24 A No.

25 Q How did you get that job?

1 Artur Sleszynski 58

2 A My cousin knew a foreman of the
3 company and he recommended me.

4 Q Where were you living at the time?

5 A In -- at the time?

6 Q In May of 2012?

7 A In New York.

8 Q In New York?

9 A Yes.

10 Q Did you commute back and forth?

11 A No, I stayed at my cousin's place.

12 Q When did you permanently move?

13 A July 1st of 2012.

14 Q That is when you and your wife and
15 your son moved with you?

16 A Yes, yes.

17 Q When was your daughter born?

18 A In 2012.

19 Q What month?

20 A August 23rd.

21 Q As a roofing mechanic for
22 Centimark, what were your job responsibilities,
23 duties, et cetera?

24 A Just follow directions of a
25 foreman. Do whatever he says to do. Lay down

1 Artur Sleszynski 59

2 insulations, screwing insulation into the roof,
3 and laying out roofing membrane.

4 Q Would you do mostly commercial
5 roofing?

6 A Yes.

7 Q Any residential or all commercial?

8 A All commercial.

9 Q Were you working a full week, 40
10 hours a week or more?

11 A Yes.

12 Q How much were you getting paid?

13 A At that moment, it was \$21 an hour.

14 Q What do you get paid now?

15 A 24.

16 Q You are still with him?

17 A Yes.

18 Q In a union, at all?

19 A No.

20 Q When you worked for AL or Pinnacle,
21 were you in a union?

22 A No.

23 Q Was there any reason why you didn't
24 go back to Pinnacle?

25 A I was fired.

1 Artur Sleszynski 60

2 Q Why were you fired?

3 A Because I engaged with a Worker's
4 Comp lawyer.

5 Q Who fired you?

6 A Zbignniew Kretowcz.

7 Q When were you fired, what month, if
8 you remember?

9 A September. September, 2011.

10 Q Same month as the accident?

11 A Yes. It was after the accident.

12 Q How often do you work overtime with
13 your present company?

14 A How often?

15 Q I am talking about more than 40
16 hours a week.

17 A How often in the current month?

18 Q Your average work week, how many
19 hours a week do you work?

20 A 50, 55.

21 Q You've been with them over a year
22 now, correct?

23 A Over a year, yes.

24 Q About a year and-a-half?

25 A Yes, about.

1 Artur Sleszynski 61

2 Q During the period of time that you
3 were receiving physical therapy, were you still
4 under the care of Dr. Price?

5 A Yes.

6 Q In total, how many times have you
7 seen Dr. Price?

8 A Approximately six, seven times.

9 Q Did you have any other MRI's after
10 the initial MRI?

11 A I can't recall.

12 Q When you finished with physical
13 therapy and you moved to Massachusetts, or you
14 began working in Massachusetts, were you
15 experiencing any pain from your right knee?

16 A Yes.

17 Q How often?

18 A Every time I work.

19 Q Well, before you began your job in
20 Massachusetts and you finished with physical
21 therapy, were you experiencing any pain from
22 your right knee?

23 A No.

24 Q You were not?

25 A No.

1 Artur Sleszynski 62

2 Q Were you taking any medication?

3 A No.

4 Q At what point in time, while you
5 were undergoing physical therapy, did you stop
6 taking medication? Medication, I am referring
7 to is the Motrin?

8 A Two weeks.

9 Q One Motrin every two weeks?

10 A No, I stopped using Motrin after
11 two weeks.

12 Q After two weeks of physical
13 therapy?

14 A Yes.

15 Q And you took no other pain
16 medication?

17 A No.

18 Q So when you finished with physical
19 therapy, you weren't experiencing any pain to
20 your right knee, correct?

21 A Correct.

22 Q When you began working, you began
23 experiencing pain in your right knee?

24 A Yes.

25 Q To what extent, as compared to how

1 Artur Sleszynski 63

2 it was after you injured your knee?

3 A Can you clarify that one more time?

4 Q Sure. Absolutely. When you began
5 your job in May of 2011, 2012, up in
6 Massachusetts, did you immediately begin
7 experiencing pain in your right knee?

8 A No, not immediately.

9 Q When?

10 A Like two or three weeks afterwards.

11 Q What did you do, did you see a
12 doctor?

13 A No.

14 Q Did you take anything for the pain?

15 A Just cold compress and Motrin.

16 Q So you were back to the Motrin now?

17 A Yes.

18 Q Was the pain less than what it was
19 after this accident occurred?

20 A Yes.

21 Q How often were you taking the
22 Motrin?

23 A Anytime it was painful.

24 Q How often was that?

25 A It hurts every time I work.

1 Artur Sleszynski 64

2 Q You work?

3 A Yes. When I work it hurts, but --
4 it hurts when I work, but I don't take Motrin
5 every time. Now, I don't take it as well.

6 Q When you say "now," presently?

7 A Yes.

8 Q As you sit here today, when was the
9 last time you took any Motrin to help alleviate
10 or control some of the pain you experienced from
11 your right knee?

12 A A month ago.

13 Q A month ago?

14 A Yes.

15 Q And how about, a month ago, when
16 was the time before that that you took any
17 Motrin?

18 A Also, like a month before that.

19 Q What prompts you to take the
20 Motrin, other than obviously pain?

21 A Only pain.

22 Q Do you experience the pain
23 everyday?

24 A When I work long hours, yes.

25 Q Long hours, meaning a 55-hour week?

1 Artur Sleszynski 65

2 A 55, 60.

3 Q Sometimes you work 60 hours a week?

4 A Yes.

5 Q As a result of working 60 hours a
6 week, do you experience pain from any other part
7 of your body, other than your right knee?

8 A No.

9 Q When was the last time you used the
10 cold compress for your knee, as you sit here
11 today?

12 A Cold compress with the knee, around
13 June of 2012, June, July.

14 Q That was the last time you used the
15 cold compress for your knee?

16 A Yes.

17 Q Does the pain that you occasionally
18 feel from your knee when you are working, does
19 it prohibit you from performing any aspect of
20 your job?

21 A No.

22 Q How did you get here today, you
23 drove?

24 A Yes.

25 Q You drove today?

1 Artur Sleszynski 66

2 A Yes.

3 Q From Massachusetts?

4 A Yes.

5 Q You came alone?

6 A No.

7 Q Who did you come with?

8 A My son.

9 Q With your son?

10 A Yes.

11 Q Did you drop him off somewhere?

12 A Yes.

13 MR. BONIFATI: Can we take a quick
14 break?

15 (Whereupon, a break was held from
16 12:35 p.m. to 12:50 p.m.)

17 BY MR. BONIFATI:

18 Q Sir, from the time you finished
19 your physical therapy until today's date, have
20 you seen any doctors or healthcare professionals
21 concerning your right knee?

22 A No.

23 Q Do you have any future plans to see
24 any doctors concerning your right knee?

25 A No.

1 Artur Sleszynski 67

2 Q Now, focusing on the date of the
3 accident, do you have a recollection of what
4 time you began working that day?

5 A It was around 7:00 a.m., 6:30, 7:00
6 a.m.

7 Q You got to the site at 7:00 a.m.?

8 A Somewhere around there, yes.

9 Q Did you have to pick up workers
10 that morning?

11 A Yes.

12 Q So you woke up and drove to a
13 location?

14 A Yes.

15 Q In your car or the company van?

16 A The company van.

17 Q You took the company van home with
18 you?

19 A Yes.

20 Q You went to Norman Street?

21 A Yes.

22 Q You picked up workers?

23 A Yes.

24 Q You proceeded to the location of
25 the accident?

1 Artur Sleszynski 68

2 A Yes.

3 Q Where was the accident? Do you
4 recall the address of the building?

5 A Yes.

6 Q What was it?

7 A 400 Columbus.

8 Q 400 Columbus?

9 A Yes.

10 Q Located where?

11 A Valhalla, New York.

12 Q Do you recall the route that you
13 took there in the car, Throgs Neck Bridge,
14 Whitestone?

15 A It was Whitestone Bridge and
16 Merritt Parkway to -- what is over there, I
17 don't remember those roads no more. To Merritt
18 Parkway to 287. 287 to Exit 4, I believe. On
19 Exit 4 off 287, and then just some town roads.
20 I don't remember. It was Hutchinson Parkway,
21 then to Merritt afterwards, 287 I believe it is.

22 Q You were performing roofing
23 services at that location for 400 Columbus?

24 A Of that day?

25 Q That day.

1 Artur Sleszynski 69

2 A No.

3 Q What were you doing?

4 A I was painting.

5 Q You were painting. For what
6 purpose were you painting?

7 A The part of the project was to
8 paint metal panelling walls on top of the -- the
9 walls were covered with metal panelling and part
10 of the project was to clean it out and paint it.

11 Q What was the project? You said
12 part of the project was to paint it?

13 A Yes, the project was to replace the
14 roof and make a new roof.

15 Q To replace the roof on 400
16 Columbus?

17 A Yes.

18 Q When did this project begin, what
19 date, if you recall, approximately?

20 A I don't recall. This was already
21 like half through the project, so it might have
22 been three weeks before, somewhat.

23 Q So, you were at the location for
24 approximately three weeks already before the
25 accident occurred?

1 Artur Sleszynski 70

2 A Approximately.

3 Q What were you doing for the three
4 weeks prior to the accident occurring?

5 A What was our job, there was another
6 crew on job site, they ripped the roof off, they
7 disposed of the trash. When we came, we put new
8 insulation onto the decking by using foam. It's
9 kind of like a glue. It sticks to the deck and
10 sticks to the insulation. On top of that 3.3
11 inch layer of insulation, we put sheetrock, and
12 on top of that, we put torch down system, at the
13 moment was base sheet. C Plus base sheet.

14 Q On the date of the accident, was
15 the roof completed?

16 A No.

17 Q What was left to do?

18 A We also had to paint that paneling
19 wall, and then on top of the base sheet that we
20 already installed, we had to put a cap sheet,
21 which is also torched down to the base. And
22 afterwards, we had to do some wall flashing and
23 metal work. Basically, clean up. So let's say
24 another two weeks of work, approximately.

25 Q How would you get up to the roof of

1 Artur Sleszynski 71

2 the building?

3 A A ladder.

4 Q Approximately, what time did you
5 get to the worksite, 7:00?

6 A Yes.

7 Q And you began working?

8 A Yes.

9 Q How many men did you have with you?

10 A That day?

11 Q And I assume they were men?

12 A Yes. Including myself?

13 Q Yes. Approximately?

14 A Five.

15 Q Do you recall their names?

16 A Yes. Myself, then my father,
17 Stanislaw, S-T-A-N-I-S-L-A-W.

18 MR. LOCHNER: Same last name as
19 you.

20 THE WITNESS: Yes. Then Jarek,
21 J-A-R-E-K, last name, Suchcicki,
22 S-U-C-H-C-I-C-K-I. Then, also we had
23 three Spanish guys -- two Spanish guys.
24 One's name was Carasucia (ph). That is
25 what they called him, I don't know how to

1 Artur Sleszynski 72

2 spell.

3 Q How do you say it?

4 A Carasucia. That's his nickname, I
5 guess. And Jimmy.

6 Q Jimmy's last name, you don't know?

7 A No.

8 Q The last two were Spanish guys?

9 A Yes.

10 Q Did any of these individuals
11 witness your fall?

12 A Yes.

13 Q Who?

14 A My father.

15 Q Your father. Was he performing the
16 same work that you were performing when you
17 fell?

18 A No.

19 Q What was he doing?

20 A He was doing flashing on walls on
21 the lower level roof.

22 Q You were painting when your
23 accident happened?

24 A Yes.

25 Q You were painting what?

1 Artur Sleszynski 73

2 A Metal panelling wall.

3 Q Were you painting the metal
4 paneling wall all that day?

5 A Yes.

6 Q What were you wearing, at the time?

7 A Long, long pants, T-shirt, boots.

8 Q What kind of boots?

9 A They weren't like heavy work boots,
10 they were more like sneakers, kinda construction
11 boots. Columbia was the manufacturer.

12 Q That was the maker?

13 A Yes.

14 Q They were high-top type?

15 A No, to the ankle.

16 Q To the ankle?

17 A Yes.

18 (Whereupon, Defendant's Exhibits A
19 through F, Photographs, were marked for
20 identification.)

21 (Off-the-record discussion.)

22 Q I'm going to show you what has been
23 marked as Defendant's A through F. Just take a
24 quick look at them.

25 So, they look familiar?

1 Artur Sleszynski 74

2 A Yes.

3 Q Do you know who took those photos?

4 A Those photos?

5 Q The ones you are viewing right now?

6 A Yes.

7 Q Who took them?

8 A I did.

9 Q When did you take them?

10 A I took them after the accident.

11 Q The day of?

12 A No, not the day of. The day after.

13 Q The day after the accident?

14 A Not like the day after. A couple
15 of days after the accident, before my visit with
16 Dr. Price. Somewhere between then.

17 Q Did you take them before you went
18 to the Worker's Compensation attorney or after?

19 A I can't recall.

20 Q Why did you take them?

21 A Why?

22 Q Why?

23 A I wanted to keep them. I wanted to
24 have them for my lawyer.

25 Q Did you see your lawyer before you

1 Artur Sleszynski 75

2 took them?

3 A I can't recall that, as well.

4 Q Now, I'm going to show you what is
5 depicted in Defendant's Exhibit A. Can you tell
6 me what that is?

7 A Entrance to the building.

8 Q 400 Columbus?

9 A Yes.

10 Q I'm going to show you what is
11 depicted in Exhibit B. Can you tell me what
12 that is?

13 A That is the metal paneling I was
14 talking about, the one I painted.

15 Q Was that the wall that you were
16 specifically working on when the accident
17 occurred?

18 A Yes.

19 MR. LOCHNER: Can I see that photo?

20 MR. BONIFATI: Can you pass that
21 down?

22 MR. LOCHNER: Thank you.
23 Can I just ask a quick question?

24 MR. BONIFATI: Sure.

25 MR. LOCHNER: Looking at

1 Artur Sleszynski 76

2 Defendant's B, and the tag is at the top
3 right, is this the orientation where this
4 is correct, where this is the bottom and
5 this is the top of the photograph?

6 MR. BONIFATI: Yes. You get a
7 better picture when you see C. Okay.

8 Q Defendant's Exhibit C, what is
9 that?

10 A That is roofing surface, and the
11 door is an entrance to like AC over there or
12 something like that.

13 Q How about D?

14 A That is the bottom part of the
15 roof, where it's flat.

16 Q How about F?

17 A That is parking lot in front of the
18 building.

19 Q And E?

20 A This is the same place as before.

21 Q On C?

22 A On C, I guess, yes.

23 Q What's depicted in E, wait is that
24 F, I'm sorry?

25 MR. BOWMAN: E.

1 Artur Sleszynski 77

2 Q What is depicted in E?

3 A Can you clarify the question?

4 Q You are looking at what has been
5 marked as Defendant's E. What is shown in the
6 picture, what do you see?

7 A Propane tank, pieces cut for the
8 wall flashing, some metal, extension cord, the
9 part where I had the fall, it's already
10 finished.

11 Q Let me ask you this question, does
12 that photo depict where you were standing when
13 you fell?

14 A It shows where I was standing, but
15 that is not the same roofing surface that I was
16 standing on. This was the top layer of the roof
17 that we did.

18 Q As you look at Defendant's Exhibit
19 C, when you fell, you were painting the top
20 portion of what is depicted in the top portion
21 of the picture?

22 A Yes. That wall right there
23 (indicating).

24 Q E, I'm sorry. You referred to that
25 as paneling wall?

1 Artur Sleszynski 78

2 A Metal paneling.

3 Q Metal paneling?

4 A Yes.

5 Q What color were you painting it?

6 A White.

7 Q Now, with your attorney's
8 permission, although the flooring isn't the
9 same, I would just ask if you could mark in the
10 area where he was standing when he fell?

11 MR. BOWMAN: I think C shows it
12 better.

13 (Off-the-record discussion.)

14 Q Sir, take a look at what has been
15 previously been marked as Defendant's C, D, and
16 E. Which of these photos depict the area where
17 you were standing when you fell?

18 A The best?

19 Q The best?

20 A This one (indicating).

21 MR. BOWMAN: Which is E.

22 THE WITNESS: I was standing on
23 when I fell.

24 Q Okay. Now, with your attorney's
25 permission, if you can just mark the location of

1 Artur Sleszynski 79

2 where you were standing. Just put a circle and
3 put your initials in the circle.

4 A Approximately.

5 Q If you could put your initials in
6 the circle, that would be great.

7 Was it raining, at all? What were
8 the weather conditions that day?

9 A The weather was normal, kind of
10 cloudy, no rain.

11 Q No rain?

12 A It was clouds on and off, sunshine
13 most of the time.

14 Q As you were standing in the
15 location that you indicate in Defendant's
16 Exhibit E, were you harnessed in any way or did
17 you have any safety lines?

18 A No.

19 Q Were there any harnesses or safety
20 lines available for your use on the job site?

21 A No.

22 Q Did your employer ever provide you
23 with any harnesses or safety lines?

24 A No.

25 Q In the years prior to working for

1 Artur Sleszynski 80

2 Pinnacle or AL, they never provided any safety
3 type of equipment?

4 A No.

5 Q When you fell, were you facing the
6 paneling?

7 A No.

8 Q Where were you facing?

9 A You can see this picture better, I
10 was facing down. The ladder was on the edge of
11 the roof, so I was facing the ladder.

12 Q You are referring to Defendant's
13 Exhibit D, indicating that there was a ladder
14 propped against it?

15 A Leaning.

16 Q Leaning against the --

17 A The outside of the wall.

18 Q Is that the east wall?

19 A I can't tell.

20 MR. LOCHNER: Let the record
21 reflect that the witness is pointing to
22 the right side of the picture of
23 Defendant's B, when he is indicating the
24 ladder location.

25 Q You were standing where you

1 Artur Sleszynski 81

2 indicated, closest to the paneling as indicated
3 in Defendant's E, and you were looking towards
4 -- you had your back to the paneling?

5 A Yes.

6 Q And you were looking towards the
7 end of the roof?

8 A Yes.

9 Q For what purposes, were you -- why
10 did you have your back to the paneling, looking
11 towards the edge of the roof?

12 A My duty was to watch over all the
13 people on the roof, and at the moment, my father
14 came to me and asked me to bring more material
15 to the roof because we had an area on the ground
16 where we went all the material. So I was going
17 down to the ladder. I wanted to going down to
18 use a lull to pass material around, because it
19 was not on the roof no more.

20 Q So, your father had arrived
21 indicating you needed more materials and you
22 were going to help bring materials up?

23 A Yes.

24 Q Five minutes prior to that, were
25 you painting the paneling?

1 Artur Sleszynski 82

2 A Yes.

3 Q Your father's presence and request
4 caused you to turn around?

5 A Yes.

6 Q When you turned around, you had the
7 conversation with your father?

8 A Yes.

9 Q What did you do after that?

10 A I started walking down towards the
11 ladder.

12 Q You started walking down and what
13 happened?

14 A I slipped, I slipped. Underneath
15 this layer, there was a base sheet which was
16 black, and there was overlap on it, because one
17 layer is going up to certain point, and then if
18 you need more material, you take another layer,
19 it goes on top of it like, a foot or so. So I
20 stepped on that overlapping space and I slipped
21 and I went to the left side, hit my leg into the
22 roof, and then I rolled over a couple of times.

23 Q So, what's depicted in Defendant's
24 Exhibit E and D, as far as the roofing surface
25 goes, that was not present when your accident

1 Artur Sleszynski 83

2 occurred?

3 A No.

4 Q What is the roofing surface, as
5 depicted in E and D? What is that called?

6 A Cap sheet.

7 Q Cap sheet is what?

8 A It's similar membrane to the one I
9 was standing on, except it's like on top of it,
10 there is like stones, some kind of chemically
11 stuck into the membrane.

12 Q Cap sheet comes in panels?

13 A No, in rolls.

14 Q You roll it out?

15 A Yes.

16 Q That hadn't been rolled out on the
17 date of the accident?

18 A No.

19 Q On the date of the accident, there
20 was a different surface?

21 A Yes.

22 Q What color was it?

23 A Black.

24 Q You said there was an overlap?

25 A You see how those sheets go, you

1 Artur Sleszynski 84

2 open up a roll from the bottom. It reaches up
3 to a certain point, then you need another roll.
4 So, you don't flash them, just overlap like a
5 foot so the surface is a little bit thicker.

6 Q How much thicker, an inch, two
7 inches?

8 A Quarter of an inch.

9 Q Quarter of an inch, only?

10 A Yes.

11 Q So you don't lay them flush, but
12 you overlap them?

13 A Yes.

14 MR. LOCHNER: Does the base layer
15 on the top, does that overlap the base
16 layer below it?

17 Q Or the other way around?

18 A The top piece overlaps the bottom
19 piece.

20 MR. LOCHNER: Because the other
21 way, it would leak?

22 THE WITNESS: Yes.

23 Q That is what caused you to fall as
24 a result of your stepping on the overlap?

25 A Like I said, it was sunny and

1 Artur Sleszynski 85

2 cloudy, and when sun hits the base sheet, it
3 warms it up, and it's kind of sticky and
4 slippery sometimes, especially on the laps, so I
5 stepped on the lap and I kinda slipped and fell
6 to the left side and hit the roof with my knee.

7 Q You fell to your left side?

8 A Yes.

9 Q And you rolled a little bit?

10 A Yes.

11 Q How far did you roll,
12 approximately?

13 A How far, all the way to here
14 (indicating). It's like fifteen feet.

15 Q So you are referring to Exhibit D
16 and you pointed to a location. The location you
17 pointed to is how far from the edge of the roof?

18 A That is around three feet from the
19 edge of the roof.

20 Q You indicated that you fell, you
21 rolled approximately fifteen feet?

22 A Fifteen feet, approximately.

23 Q The overlapping that you described,
24 that is the way the roofing process is
25 performed, that is the proper way?

1 Artur Sleszynski 86

2 A Yes.

3 Q When you fell to your left, did you
4 fall on your knee initially or some other part
5 of your body?

6 A On my right knee.

7 Q Your right knee?

8 A Yes. On my right knee, and then I
9 went like forward and rolled a couple of times.

10 Q Was it your right foot or your left
11 foot which stepped on the overlap and slipped?

12 A That was my right foot.

13 Q Your right foot?

14 A Yes.

15 Q Where was your father at the time?

16 A Next to me.

17 Q What is -- how old is your dad
18 presently?

19 A Fifty-three or four.

20 Q What is his address?

21 A He don't have an address.

22 Q Where does he live?

23 A On the street, he's homeless.

24 Q He's homeless?

25 A Yes.

1 Artur Sleszynski 87

2 Q How long has he been homeless for?

3 A Almost a year and-a-half.

4 Q This might sound like a stupid
5 question, is there any reason he is homeless?

6 A I need to describe a little bit
7 longer why, because --

8 Q Does he have all of his mental
9 capabilities?

10 A No, he has a drinking problem, and
11 now, it's like after the accident, when I was
12 fired, he actually started to drink more, spend
13 all of his money, couldn't pay rent, they threw
14 him out.

15 Q Where was he living at the time
16 when the accident occurred?

17 A At the time when accident occurred,
18 he was living in Greenpoint, 180 Kingston
19 Avenue, I believe it's 180 Kingston Avenue.

20 Q Do you occasionally speak to your
21 father?

22 A Sometimes.

23 Q As far as you know, he is located
24 in the Greenpoint area?

25 A Right.

1 Artur Sleszynski 88

2 Q Are you familiar with any other
3 contractors on-site on the day that you were
4 there?

5 A On the day, no.

6 Q Did you or anyone else from
7 Pinnacle Conduct any safety-type meetings?

8 A No.

9 Q None whatsoever?

10 A No.

11 Q Did you, as a foreman, receive any
12 safety instructions from Ken Buckley?

13 A No, just regular instructions, just
14 to stay safe.

15 Q Now, you indicated that you
16 received some sort of certification from OSHA,
17 in 2008, I believe maybe you said?

18 A 2008 or '09.

19 Q What did that involve?

20 A That involved safety issues, but
21 that was not for Pinnacle or Hayden.

22 Most of the time, I work with
23 Pinnacle and Hayden. Sometimes when I was out
24 of work, my boss, he had another company he took
25 work from, they were called Best Roofing, in New

1 Artur Sleszynski 89

2 Jersey. I took that OSHA certification for
3 them, because they required it for the job site
4 which I don't remember.

5 Q For Best Roofing?

6 A Yes.

7 Q You indicated that you did some
8 work for Hayden?

9 A I worked with Pinnacle and Pinnacle
10 took work from Hayden. So most of the time, I
11 worked with the foremen from Hayden.

12 Q On this particular job site, are
13 you familiar whether Hayden was involved in this
14 job, at all?

15 A Where I had the accident?

16 Q Yes.

17 A Yes, Hayden.

18 Q What was their involvement?

19 A They were the GC on the job site.

20 Q They were the GC?

21 A Yes.

22 Q What do you mean by "GC"?

23 A They supply the work for Pinnacle
24 Construction, as Pinnacle worked with Hayden,
25 and the contract, I believe, was on Hayden's

1 Artur Sleszynski 90

2 name.

3 Q Did Hayden have -- did anyone from
4 Hayden have a presence at this job site?

5 A On this day?

6 Q Let us start with this day, yes.

7 A This day, no.

8 Q How about other days?

9 A Yes.

10 Q How often would they be there on
11 the job site?

12 A Eight, nine hours a day.

13 Q A day?

14 A A day.

15 Q How many days a week?

16 A Whenever we worked, mostly.

17 Q Who was there?

18 A Ken Buckley.

19 Q Oh, Ken worked for Hayden?

20 A Yes. He was Hayden's foreman.

21 Q Let me ask you this question, did
22 anyone from Hayden ever supply you with any
23 safety equipment ropes or harnesses of any sort?

24 A No.

25 Q None whatsoever?

1 Artur Sleszynski 91

2 A No.

3 Q Not at this job site and not at any
4 other job site; is that correct?

5 A Not on this job.

6 Q How about other jobs?

7 A Once, on a job from New York, as
8 well, just for a day.

9 Q They provided you with safety
10 equipment?

11 A Yes.

12 Q New York where?

13 A New York, I don't recall the town's
14 name. It was close to Woodbury Outlet, Exit 16
15 from 87.

16 Q At that job, did you utilize the
17 safety equipment?

18 A No.

19 Q But it was there?

20 A It was there.

21 Q What was there?

22 A Safety harness and safety rope.

23 Q At this job on this day, there was
24 no safety harness or safety rope?

25 A No.

1 Artur Sleszynski 92

2 Q Did you ever request any safety
3 harness or safety rope on this job?

4 A No.

5 Q Did Mr. Buckley ever offer it?

6 A No.

7 Q When Mr. Buckley was there, what
8 would he do?

9 A Supervise us. Make sure we don't
10 do anything stupid, meaning like doing the job
11 the way it's supposed to go, with everything
12 being properly installed.

13 Q Did Mr. Buckley conduct any safety
14 meetings?

15 A Not that I know of.

16 Q For the period of time that you
17 worked with Mr. Buckley, had he ever conducted
18 any safety meetings?

19 A With me, with us?

20 Q With anyone. You or anyone from
21 Pinnacle or AL?

22 A No, not that I know of.

23 Q When was the last time you saw
24 Mr. Buckley?

25 A I had accident on September 10th,

1 Artur Sleszynski 93

2 maybe September 12th.

3 Q You saw him where?

4 A At the job site.

5 Q You went back to the job site the
6 next day?

7 A Yes.

8 Q To take the pictures?

9 A No, I drove the guys to the job
10 site.

11 Q Oh, you drove them?

12 A Yes.

13 Q How about the day after that, did
14 you drive the guys to the job site?

15 A Yes.

16 Q You did?

17 A Yes.

18 Q Did you work those two days?

19 A No.

20 Q When did you stop driving the guys
21 to the job site?

22 A I don't remember exactly, it was
23 like four or five days after the accident.

24 Q You drove them there and you drove
25 them back?

1 Artur Sleszynski 94

2 A Yes.

3 Q As a result of this accident, did
4 you hurt any other part of your body or just
5 your right knee?

6 A Right knee.

7 Q Have you been on any trips since
8 this accident, other than coming here today?

9 A Not, really. Trips?

10 Q Trips, vacation?

11 A No. I went like to Boston for a
12 day or so.

13 Q Relaxation?

14 A Yes.

15 MR. BONIFATI: I have nothing
16 further at this time. I am sure my
17 colleagues will have some follow-up
18 questions.

19 THE WITNESS: Okay.

20 (Off-the-record discussion.)

21 EXAMINATION BY

22 MR. HENNESSEY:

23 Q Good afternoon. I work with the
24 Law Firm of Wilson, Elser, Moskowitz, Edelman &
25 Dicker. We represent Hayden Building

1 Artur Sleszynski 95

2 Maintenance in this lawsuit brought on your
3 behalf. I am going to be asking you a couple of
4 questions today with regards to your accident on
5 September 10th, 2011. I am going to try not to
6 repeat any of prior counsel's questions. If I
7 do, I apologize.

8 I'll just remind you, the same
9 rules are still in effect that counsel advised
10 you of earlier. If you do need to take a break
11 at any point, please let us know, and if we get
12 close to 3:00 without me noticing or other
13 counsel, just give us a heads up and we will
14 accommodate your car.

15 Mr. Sleszynski, you had stated you
16 are a resident of the United States; is that
17 correct?

18 A Yes.

19 Q But you are not a citizen?

20 A No.

21 Q Do you have a green card?

22 A Yes.

23 MR. HENNESSEY: We call for
24 production of the green card?

25 MR. BOWMAN: Absolutely not. Just

1 Artur Sleszynski 96

2 ask questions. Put all your discovery
3 demands in writing.

4 Q Where was your place of birth?

5 A Poland.

6 Q Where, in Poland?

7 A Lomza, L-O-M-Z-A.

8 Q What was your height and weight at
9 the time of the accident?

10 A 6'2", the height, and the weight
11 was around 250.

12 Q Has your weight changed since the
13 day of the accident?

14 A Yes.

15 Q How much do you weigh now?

16 A Now, I'm 260, 265.

17 Q Mr. Sleszynski, have you paid taxes
18 in the last five years?

19 A Yes.

20 Q Have you paid taxes every year for
21 the last five years?

22 A No.

23 Q Did you pay taxes in 2008?

24 A No.

25 Q 2009?

1 Artur Sleszynski 97

2 A Yes.

3 Q 2010?

4 A Yes.

5 Q 2011?

6 A Yes.

7 Q And 2012?

8 A Yes.

9 MR. HENNESSEY: We will put a
10 demand in writing, also.

11 MR. BOWMAN: He is not
12 self-employed. You are not entitled to
13 his tax returns.

14 Q Have you ever been a member of a
15 union?

16 A No.

17 Q Did you ever receive any training,
18 at all, with respect to working on a roof?

19 A Training as -- can you clarify,
20 professional training?

21 Q Yes.

22 A No.

23 Q On-the-job training?

24 A No.

25 Q Any schooling with regards to it?

1 Artur Sleszynski 98

2 A No.

3 Q Do you have any professional
4 certificates or licenses?

5 A I used to have one.

6 Q What did you have?

7 A I used to have a license for a
8 torch.

9 Q What was that license called?

10 A I can't recall, as well.

11 Q Do you know when you obtained that
12 license?

13 A I can't recall that.

14 Q Do you know why you obtained that
15 license?

16 A Yes, we also did one job in Long
17 Island and they required someone to have a
18 license, and because I was one of the people who
19 spoke English and I could read and write, I
20 could get license.

21 Q Did you have to take classes to
22 obtain that license?

23 A No.

24 Q Did you have to take a test to
25 obtain that license?

1 Artur Sleszynski 99

2 A Yes.

3 Q What kind of test did you have to
4 take?

5 A I can't recall the name of the
6 test.

7 Q Do you remember when you took the
8 test?

9 A No.

10 Q Have you had any training with
11 respect to safety on the job site?

12 A No.

13 Q Did you take any classes with
14 respect to safety on the job site?

15 A No.

16 Q Did you take any classes with
17 respect to using any tools or equipment on the
18 job site?

19 A No.

20 Q Did you have any training with
21 respect to any tools or equipment on the job
22 site?

23 A No.

24 Q You said you didn't have training
25 with respect to working on the roof, correct?

1 Artur Sleszynski 100

2 MR. BOWMAN: You already asked it.

3 Q Were you ever told to use any
4 safety harnesses while you were working at
5 Pinnacle?

6 A No.

7 Q Did Pinnacle give you any training,
8 at all, with respect to your employment?

9 A Once again?

10 Q Did Pinnacle give you any training,
11 at all, with respect to your employment?

12 A No.

13 Q How long were you working on the
14 job site at 400 Columbus?

15 A Approximately, three weeks.

16 Q What type of work were you
17 performing prior to the date of the accident?

18 A Prior? Before?

19 Q Yes.

20 A We installed the roof. We
21 installed the insulation, sheetrock, and on top
22 of that, we torch on base roll and cap sheet, if
23 I remember.

24 Q Did you torch, at all?

25 A Yes.